IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

WA.No. 2350 of 2006

AGAINST THE JUDGEMENT IN WPC.19348/2003 Dated 27/05/2005
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APPELLANT:
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1. SIBY JOSEPH,
PHYSICAL EDUCATION TEACHER, ST.THOMAS
HIGH SCHOOL, KALLARA, KOTTAYAM DISTRICT.

2. A.J. AUGUSTINE,
PHYSICAL EDUCATION TEACHER,
ST.AUGUSTINE'S HIGHER SECONDARY SCHOOL,
KARIMKUNNAM, IDUKKI DISTRICT.

BY ADV. SRI.ELVIN PETER P.J.
SRI.C.X.ANTONY BENEDICT
SRI.PRADEEP KRISHNA

RESPONDENTS:
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1. MINI JOSEPH, W/O.SUNNY THOMAS,
PHYSICAL EDUCATION TEACHER,
ST.MARY'S SCHOL, MALAKKALLUR, OZHUKAYIL HOUSE,
RAJAPURAM P.O., KANGANGAD VIA, KASARAGODE DIST.

2. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

3. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

4. THE CORPORATE MANAGER,
CORPORATE EDUCATIONAL AGENCY OF SCHOOLS,
DIOCESE OF KOTTAYAM, CATHOLIC BISHOP'S HOUSE,
KOTTAYAM.

5. SRI.JOSSY STEPHEN,
PHYSICAL EDUCATION TEACHER,
S.H.MOUNT HIGH SCHOOL, KOTTAYAM.

BY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14/12/2006, ALONG WITH WA NO. 2351 OF 2006 WA NO. 2352 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR &

K.R. UDAYABHANU, JJ.

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W.A.Nos.2350, 2351 & 2352 of 2006

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DATED THIS THE 14th Day of December 2006

JUDGMENT

Abdul Gafoor,J.

The writ appellants are aggrieved by the impugned judgment to which they were not parties. The impugned judgment only decides the seniority between the writ petitioner and the 6th respondent with regard to the claim for the post of physical education teacher in an aided school and consequent eligibility to the post. The appellants are not claimants against the said post nor a teacher in the school where they claimed promotion. Therefore, he is in no way affected by the judgment. If the judgment had laid down a law and following that law any order has been passed by the Government, it is free for the appellants to agitate against that order challenging the correctness of the law laid down in the impugned judgment. Therefore,

there is no reason to entertain this appeal. The Writ Appeals are dismissed.

Sd/-
K.A.ABDUL GAFOOR
JUDGE

Sd/-
K.R.UDAYABHANU,
JUDGE

ks. **TRUE COPY**

P.S.TO JUDGE